

THE MINUTES OF THE BOARD OF EQUALIZATION HELD

MONDAY, APRIL 25, 2011 AT 5:30 P.M.

The Board of Equalization met at 5:30 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Eugene Carroll, Jonathan Cook, Doug Emery, Adam Hornung, Jane Snyder, John Spatz.

SPATZ Our first order of business is to select a chair.

CARROLL I nominate John Spatz.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SPATZ Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING FROM NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST FROM THE CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET - Ron Cane, Urban Development Department, came forward to answer any questions.

This matter was taken under advisement.

VOTING SESSION

NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING FROM NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST FROM THE CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET.

CAMP Moved approval.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT

5:33 P.M

CAMP Moved to adjourn sine die the Board of Equalization meeting.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ELECTION OF CHAIR

CARROLL I nominate John Spatz.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SPATZ Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING ALONG NORTH 48TH STREET FROM COLBY STREET ON THE SOUTH TO THE HALF BLOCK NORTH OF ADAMS STREET ON THE NORTH AND ALONG SAINT PAUL AVENUE FROM NORTH 47TH STREET TO NORTH 50TH STREET - Ron Cane, Urban Development Department, came forward to answer any questions.

This matter was taken under advisement.

VOTING SESSION

NORTH 27TH STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING FROM
NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST FROM THE
CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY
INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET.

EMERY Moved approval.

 Seconded by Carroll & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT

5:35 P.M

CAMP Moved to adjourn sine die the Board of Equalization meeting.

 Seconded by Carroll & carried by the following vote: AYES: Camp,
Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, APRIL 25, 2011 AT 5:35 P.M.

The Meeting was called to order at 5:35 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross.

Council Chair Spatz announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CARROLL Having been appointed to read the minutes of the City Council proceedings of April 18, 2011 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

PUBLIC HEARING

VACATION NO. 11004 - VACATING TWO PORTIONS OF OLD PINE LAKE ROAD BETWEEN SOUTH 84TH STREET AND SOUTH 91ST STREET - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corps stating this vacation is a continuation of the progress in this area. Now that the relocated Pine Lake Road has been opened it is appropriate to move forward with the vacation.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES - Jon Camp commented that he proposed this ordinance change that would essentially change how the construction of Old Cheney would occur from 70th Street to 84th Street which removes the raised median and removes the requirement of right turn lanes. In 1998 there was an original ordinance that provided for construction of this segment which did provide for the raised median, but no right turn lanes. In 2003 the Council amended this at the request of the Public Works Director to add right turn lanes. He feels the need for right turn lanes in residential areas is not always necessary and in particular the raised medians. It is suggested a center turn lane that could be a dual left turn lane be implemented.

Thomas Shafer, Public Works Engineering Services, and with him is Craig Aldridge of Public Works Engineering Services. He stated he did some research during the time of the ordinance in 1998 which he found were some land use changes to the Comp Plan. With the land use changes came the desire to want to set the street into some sort of record which is the reason for the ordinance. Then in 2003 there were other changes which they experienced and now wish to include the right turn lanes as an element of design that should be part of this road project. The needs of the property owners adjacent, the needs of the drivers using the road, and the needs of the community who are going to fund that improvement need to be balanced. There was a meeting in August of 2010 to share these proposals and since then have met with 53 property owners or area residents and two homeowners associations. At the August meeting the right-of-way width was reduced as much as possible and the corridor varied from 100' to 116'. One of the things done was a design speed of 45 mph. Back slopes are graded from the back of the sidewalk toward somebody's house or grading down from somebody's house 3 to 1 which means coming over three feet before dropping down one foot. This will be less of a private property impact. The space between the curb and the sidewalk has been reduced to five or six feet which means there will be less area for snow storage and pedestrians will be closer to the moving traffic, but the private property impact has been reduced. It is felt that since the traffic will be slowing down in the right turn lane area the sidewalk can be put up against the curb. These reductions have resulted in a 38% reduction in the amount of right-of-way needed to be purchased and a 31% need of easements. That is 20,000 sq. ft. that will remain in the hands of the private property owners and 79,000 sq. ft. is no longer impacted by the project. Some fences may need to be moved.

John Spatz, Council Chair, asked for a show of hands of those in the audience in support of this ordinance. 74 were counted.

Robb Linafelter, 7829 Red Oak Rd., came forward to speak on behalf of concerned citizens that have met over the last few months since receiving the

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proposed plan. He thanked the Mayor's office and City Engineering for providing them with all the information they requested. He thanked Councilman Camp for listening and attending numerous meetings. They are in support of the widening of Old Cheney, but also in support of this legislation.

Bethany Brunsman, 7911 Red Oak Rd., came forward to state she had asked the City Engineers why they need the right turn lanes which was answered that the right turn lanes provide a space for slowing cars to turn right and the median provides separation of opposing traffic providing a refuge for pedestrians. To determine if these safety features, the median and right turn lanes are really necessary research was done by looking at 2010 accident reports for this area. The intersections of Old Cheney and 84th, 70th & 56th show there were mostly rear-end accidents. Seven of those accidents occurred when someone was waiting to turn left. There were no rear-end accidents related to cars turning right at either of the intersections of Old Cheney. There was one cross-over accident at 70th and 56th, but no injuries. The median will not necessarily stop the crossover accident, but is supposed to reduce the amount of injury. There were no pedestrian accidents. There doesn't seem to be a lot the raised median and right turn lanes will reduce in this area.

Scot Blehm, 7835 Red Oak Rd., came forward to talk about two other considerations in addition to the safety of the environment and cost. He stated reports show that 85 trees would be impacted by this road project. His family did an unscientific study of 68 property owners that will be impacted with each having approximately 8 trees making it approximately 400 trees that will fall under the 12 inch diameter. The City has spent a lot of time and money maintaining and improving the environment in the City, preserving green space, reducing energy consumption, etc. He also pointed out an intersection that would have the greatest impact with full seven lanes that would be the only intersection where students cross back and forth to go to Maxey School. It is projected \$2,000,000 can be saved on this project if the medians and the right turn lanes are omitted. Raised medians make the upkeep of the roads more difficult especially with snow removal.

Robb Linafelter, 7829 Red Oak Rd., came forward to follow-up with the requests of no center medians, no sidewalk on the south side, no right turn lanes and saving the trees. They do not feel this will compromise safety and it will save money. They are in favor of the proposed legislation.

Dan Navratil, 8009 Grand Oaks Dr., President of the Barrington Park Homeowners Association, came forward with two major issues creating more traffic; a brand new school opening up on 94th and Old Cheney and a shopping center development at 84th and Glynoaks. He is in favor of the widening project and feels the City Engineers have the expertise to make the decision as to whether there needs to be medians or right turn lanes. He feels they need sidewalks and bike paths separately because walkers and bicycles just don't mix.

Thomas Shafer came forward to answer questions. He will provide historical data for traffic at this intersection and also on a national scale of what the difference is on right turn lanes. The right turn lanes are based on safety in general and off of capacity that traffic will flow smoother. They are designing for 30 years out in the future not just for today. Shared use by walkers and bicycles on bike paths may be a little uncomfortable for some, but generally okay with people.

Craig Aldridge, Public Works Engineering Dept., answered that four feet would be gained if the median is removed and six feet of sidewalk.

Mr. Shafer stated that generally, we are doing our design elements based off of what we see generally around the community, what we see as the recommendation for the safety and capacity for the citizens of this community and making the best use of the taxpayers money. As roads increase in numbers you are starting to use all of the capacity of that roadway and less factors or less gaps for you to have avoidance on something.

This matter was taken under advisement.

VACATION NO. 10006 - VACATING MULTIPLE STREETS AND ALLEYS IN THE WEST HAYMARKET REDEVELOPMENT AREA, GENERALLY LOCATED AT 5TH STREET FROM L STREET TO M STREET, NEEDED BY BNSF RAILWAY COMPANY (BNSF) FOR A FUTURE RAILWAY CORRIDOR. (REQUEST 2ND & 3RD READINGS ON 4/25/11) - Rod Confer, City Attorney, stated these are streets that are not being utilized as part of the West Haymarket Redevelopment area. Previously streets north of O Street were vacated and these streets are all south of O Street which is another phase of that redevelopment to provide land for the Burlington Northern and Santa Fe right-of-way for their proposed new corridor. It is requested that the 2nd and 3rd readings be combined to be able to transfer to BNSF by the closing scheduled on May 10th.

This matter was taken under advisement.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND REINHARDT CONTRACTING, INC. AND HANSEN CONSTRUCTION COMPANY, INC. FOR THE ANNUAL REQUIREMENTS FOR EXCAVATING AND DOZING, PURSUANT TO BID NO. 11-047, FOR FOUR-YEAR TERMS - Vince Mejer, Purchasing Agent, came forward to answer any questions.
This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON April 11, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

REFERRED TO PLANNING DEPARTMENT:

- CHANGE OF ZONE NO. 11010, requested by ESP, from H-3 Highway Commercial District to I-1 Industrial District on property generally located at N. 40th Street and Cornhusker Highway.
- CHANGE OF ZONE NO. 11011, requested by the Director of Planning, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, to allow Agricultural Attractions in the AG Agriculture District by amending Chapter 27.03 to add a new section numbered 27.03.043 to define "Agricultural Attraction"; amending Section 27.07.030 to establish an Agricultural Attraction as a conditional use in the AG Agriculture District; amending Section 27.67.040 to provide parking requirements for Agricultural Attractions; and repealing Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as hitherto existing.
- CHANGE OF ZONE NO. 11012, requested by Mark Bousek, from R-2 Residential District to R-4 Residential District on property generally located at N. 70th Street and Cleveland Avenue.
- CHANGE OF ZONE NO. 11013, requested by Eiger Corp., from AG Agricultural District to B-5 Planned Regional Business District, on property generally located at S. 84th Street and Pine Lake Road.
- CHANGE OF ZONE NO. 11014, requested by Larry Buller, to designate as a historic landmark property located at 2943 Garfield Street.
- SPECIAL PERMIT NO. 399C, requested by Mark Bousek, for an amendment to the Villa Apartments Community Unit Plan, to add two additional buildings for a total of 48 multi-family units, on property generally located at N. 70th Street and Cleveland Avenue. The Planning Commission action is final action, unless appealed to the City Council.
- SPECIAL PERMIT NO. 11007, requested by Larry Buller, for historic preservation, to adjust yard and parking requirements, on property located at 2943 Garfield Street.
- USE PERMIT NO. 56F, requested by Olsson Associates, for an amendment to increase the building area by adding a seasonal garden center and more outdoor storage, and a waiver request to reduce the required parking ratio, on property generally located at N. 27th Street and Cornhusker Highway.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES MEDICAID WAIVER PROGRAM AT 320 N. STATE STREET, OSCEOLA, NE 68651 FOR A TERM OF JUNE 1, 2011 THROUGH MAY 31, 2012 - CLERK read an ordinance, introduced by Eugene Carroll, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Aging Partners for its Personal & Family Services Medical Waiver program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2011 through May 31, 2012, the second time.

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CHANGE OF ZONE NO. 11008 - APPLICATION OF ASSURITY LIFE INSURANCE COMPANY FOR A CHANGE OF ZONE FROM B-4 LINCOLN CENTER BUSINESS DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT WITH A SPECIAL SIGN DISTRICT DESIGNATION, TO ALLOW AN ADDITIONAL FREESTANDING SIGN, ON PROPERTY GENERALLY LOCATED AT 2000 Q STREET - CLERK read an ordinance, introduced by Eugene Carroll, designating the property generally located at Antelope Valley Parkway and Q Street as a Special Sign District in accordance with the provisions of §27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the second time.

VACATION NO. 11004 - VACATING TWO PORTIONS OF OLD PINE LAKE ROAD BETWEEN SOUTH 84TH STREET AND SOUTH 91ST STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating two portions of the old Pine Lake Road right-of-way located between South 84th Street and South 91st Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING ORDINANCE NO. 17366 PASSED JUNE 29, 1998, AND ORDINANCE NO. 18214 PASSED AUGUST 4, 2003, FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM NEBRASKA HIGHWAY 2 TO APPROXIMATELY 1,450 FEET EAST OF SOUTH 84TH STREET TO REMOVE DESIGN REQUIREMENTS FOR RAISED MEDIANS AND RIGHT TURN LANES - CLERK read an ordinance, introduced by Eugene Carroll, amending Ordinance No. 17366 and Ordinance No. 18214, which in part authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South 84th Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the second time.

VACATION NO. 10006 - VACATING MULTIPLE STREETS AND ALLEYS IN THE WEST HAYMARKET REDEVELOPMENT AREA, GENERALLY LOCATED AT 5TH STREET FROM L STREET TO M STREET, NEEDED BY BNSF RAILWAY COMPANY (BNSF) FOR A FUTURE RAILWAY CORRIDOR. (REQUEST 2ND & 3RD READINGS ON 4/25/11) - PRIOR to reading:

SNYDER Moved to waive the rules to have 2nd and 3rd Readings.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

CLERK Read an ordinance, introduced by Eugene Carroll, vacating multiple streets and alleys in the West Haymarket Redevelopment Area, generally located at South 5th Street from L Street to M Street, needed by BNSF Railway Company (BNSF) for the future railway corridor, the third time. (Request 2nd & 3rd Readings on 4/25/11).

CARROLL Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19525**, is recorded in Ordinance Book #27, Page .

PUBLIC HEARING - RESOLUTIONS

APPLICATION OF SPEEDWAY PROPERTIES FOR THE USE OF PUBLIC RIGHT-OF-WAY IN THREE LOCATIONS ALONG Q STREET, 8TH STREET AND R STREET FOR INSTALLATION OF AMENITIES IN CONNECTION WITH THE REDEVELOPMENT OF BLOCK 30, ORIGINAL PLAT LINCOLN FOR CONSTRUCTION OF A NEW HOTEL AND THE RENOVATION OF THE FORMER TOOL HOUSE BUILDING - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86309 WHEREAS, Speedway Properties has submitted an application for a permit to use the public right-of-way in three locations along Q Street, 8th Street and R Street, in Block 30, Original Plat of Lincoln for construction of amenities in connection with the construction of a new hotel and the renovation of the former Tool House building; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-ways as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Speedway Properties to use (1) 1,638.49 square feet of public right-of-way along the north side of Q Street adjacent to the Tool House Building for the purpose of constructing a ramp below grade, a ramp at grade, and steps leading to the entrance of the redeveloped Tool House Building; (2) 272.00 square feet of public right-of-way along the east side of North 8th Street adjacent to the Hotel site for the purpose of an ADA accessible ramp; and (3) 993.28 square feet along the south side of R Street for the purpose of constructing a ramp from street level to the sidewalk area, steps

from the street level to the sidewalk area, steps into the proposed Hotel, and a canopy over the entry steps into the Hotel, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee of \$1,451.50 (2,903 square feet @ \$.50 per square foot) for the use of the surface of the public right-of-way.
2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.
3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.
4. The applicant shall require its contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.
5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.
6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.
7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.
8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAINED: Camp.

APPROVING TWO CONTRACT AGREEMENTS BETWEEN THE CITY AND REINHARDT CONTRACTING, INC. AND HANSEN CONSTRUCTION COMPANY, INC. FOR THE ANNUAL REQUIREMENTS FOR EXCAVATING AND DOZING, PURSUANT TO BID NO. 11-047, FOR FOUR-YEAR TERMS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86310 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the two attached contract agreements between the City of Lincoln and Reinhardt Contracting, Inc. and Hansen Construction Company, Inc., pursuant to Bid No. 11-047, for the Annual Supply for Excavating and Dozing for four-year terms, upon the terms as set forth in said Contract Agreements, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 26.11 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROCEDURES FOR PROCESSING SUBDIVISIONS BY AMENDING SECTION 26.11.039 TO PROVIDE THAT A CASH CONTRIBUTION MAY BE FURNISHED FOR STREET TREES IN LIEU OF A BOND, ESCROW OR SECURITY AGREEMENT ON ALL FINAL PLATS, TO PROVIDE THAT NO SURETY IS REQUIRED FOR SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS, AND TO ADD CLARITY BY DIVIDING SUBPARAGRAPH (G) INTO TWO SUBPARAGRAPHS (G) AND (H); AND AMENDING SECTION 26.11.040 TO PROVIDE THAT SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING NON-RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT OR WITHIN FOUR YEARS FOLLOWING PLAT APPROVAL WHICHEVER OCCURS FIRST AND SIDEWALKS ALONG NON-MAJOR STREETS ABUTTING RESIDENTIAL LOTS SHALL BE INSTALLED PRIOR TO THE CITY ISSUING AN OCCUPANCY PERMIT, EXCEPT UNDER SPECIFIED CONDITIONS, THAT STREET TREES ALONG NON-MAJOR STREETS SHALL BE INSTALLED WITHIN ONE YEAR AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT OR WITHIN SIX YEARS OF FINAL PLAT APPROVAL, WHICHEVER OCCURS FIRST, AND TO PROVIDE THAT STORMWATER DETENTION/RETENTION FACILITIES SHALL BE GRADED AT THE SAME TIME AS THE OVERALL SITE GRADING AND THAT SUCH GRADING SHALL BE COMPLETED PRIOR TO INSTALLATION OF REQUIRED WATER DISTRIBUTION, WASTEWATER COLLECTION, AND STREET IMPROVEMENTS AND

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TO PROVIDE CONDITIONS WHICH MUST BE MET FOR THE RELEASE OF ANY SURETY TO GUARANTEE CONSTRUCTION OF THE STORMWATER DETENTION/RETENTION FACILITIES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 26.11 of the Lincoln Municipal Code relating to Procedures for Processing Subdivisions by amending Section 26.11.039 to provide that a cash contribution may be furnished for street trees in lieu of a bond, escrow or security agreement on all final plats, to provide that no surety is required for sidewalks along non-major streets abutting residential lots, and to add clarity by dividing subparagraph (g) into two subparagraphs (g) and (h); and amending Section 26.11.040 to provide that sidewalks along non-major streets abutting non-residential lots shall be installed prior to the City issuing an occupancy permit or within four years following plat approval whichever occurs first and sidewalks along non-major streets abutting residential lots shall be installed prior to the City issuing an occupancy permit, except under specified conditions, that street trees along non-major streets shall be installed within one year after the issuance of an occupancy permit or within six years of final plat approval, whichever occurs first, and to provide that stormwater detention/retention facilities shall be graded at the same time as the overall site grading and that such grading shall be completed prior to installation of required water distribution, wastewater collection, and street improvements and to provide conditions which must be met for the release of any surety to guarantee construction of the stormwater detention/retention facilities, the first time.

AMENDING TITLE 17 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER BY ADDING A NEW SECTION NUMBERED 17.02.185 TO PROVIDE A DEFINITION FOR "LOT"; AMENDING SECTION 17.02.210 TO REVISE THE DEFINITION OF "MASTER METERED WATER SERVICE"; REPEALING SECTIONS 17.02.230, 17.02.240, AND 17.02.260 TO DELETE DEFINITIONS OF "MOBILE HOME," "MOBILE HOME COURT," AND "OFFICE PARK," RESPECTIVELY; AMENDING SECTION 17.02.180 TO REVISE THE DEFINITION OF "PREMISES"; REPEALING SECTION 17.02.320 TO DELETE THE DEFINITION OF "SHOPPING CENTER"; AMENDING SECTION 17.10.070 TO CHANGE THE PROVISIONS REQUIRING WHEN PERMANENT WATER METERS ARE TO BE INSTALLED; AMENDING SECTION 17.10.080 TO CHANGE THE REQUIREMENTS OF HOW WATER SERVICE TO SPECIFIC LOTS IS PROVIDED; AMENDING SECTION 17.10.100 TO REQUIRE SURVEYS WHEN A PREMISES IS SUPPLIED BY TWO OR MORE SOURCES OF WATER; AMENDING SECTION 17.18.006 TO CHANGE HOW THE WATER SERVICE MANUAL MAY BE APPROVED; AMENDING SECTION 17.18.010 TO REMOVE THE NOTICE REQUIREMENT FOR MAKING A TAP; AMENDING SECTION 17.18.030 TO CHANGE THE PROVISIONS RELATED TO THE PROVISION OF WATER SERVICES FOR NEWLY CONSTRUCTED AND RECONSTRUCTED PREMISES; AMENDING SECTION 17.18.080 TO CHANGE PROVISIONS WHEN SURVEYS ARE REQUIRED; AMENDING SECTION 17.18.090 TO CHANGE REQUIREMENTS RELATED TO BACKFLOW PREVENTION INSTALLATIONS; AMENDING SECTION 17.18.130 TO ALLOW MULTIPLE SUPPLY AND SERVICE PIPES TO A PREMISES UNDER CERTAIN EXCEPTIONS; AND AMENDING SECTION 17.18.160 TO CHANGE REPAIR AND COST PROVISIONS INVOLVING LEAKS FROM CUSTOMER SERVICE PIPES - CLERK read an ordinance, introduced by Jonathan Cook, Amending Title 17 of the Lincoln Municipal Code relating to Water by adding a new Section numbered 17.02.185 to provide a definition for "lot"; amending Section 17.02.210 to revise the definition of "master metered water service"; repealing Sections 17.02.230, 17.02.240, and 17.02.260 to delete definitions of "mobile home," "mobile home court," and "office park," respectively; amending Section 17.02.180 to revise the definition of "premises"; repealing Section 17.02.320 to delete the definition of "shopping center"; amending Section 17.10.070 to change the provisions requiring when permanent water meters are to be installed; amending Section 17.10.080 to change the requirements of how water service to specific lots is provided; amending Section 17.10.100 to require surveys when a premises is supplied by two or more sources of water; amending Section 17.18.006 to change how the Water Service Manual may be approved; amending Section 17.18.010 to remove the notice requirement for making a tap; amending Section 17.18.030 to change the provisions related to the provision of water services for newly constructed and reconstructed premises; amending Section 17.18.080 to change provisions when surveys are required; amending Section 17.18.090 to change requirements related to backflow prevention installations; amending Section 17.18.130 to allow multiple supply and service pipes to a premises under certain exceptions; and amending Section 17.18.160 to change repair and cost provisions involving leaks from customer service pipes, the first time.

ANNEXATION NO. 11002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 18.36 ACRES OF LAND GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE NO. 11002 - APPLICATION OF HIMARK PROPERTY, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 88TH STREET AND PIONEERS BOULEVARD. (RELATED ITEMS 11-50, 11-51) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE CITY OF LINCOLN, NEBRASKA TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$3,600,000 TO REFINANCE EQUIPMENT ACQUIRED WITH THE PROCEEDS OF OUTSTANDING CERTIFICATES OF PARTICIPATION AND RELATED MATTERS - CLERK read an ordinance, introduced by Jon Camp, authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to provide for the payment and redemption of certain outstanding Certificates of Participation-Lease Rentals, Series 2004, Series 2005, and Series 2006 of the City; approving the issuance, sale and delivery of not to exceed \$3,600,000 principal amount of refunding Certificates of Participation in such Lease; fixing in part and providing for the fixing in part of certain provisions of the Lease; and related matters, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSTAINED: Camp.

The ordinance, being numbered **#19526**, is recorded in Ordinance Book #27, Page .

AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$21,000,000 TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND RELATED MATTERS - CLERK read an ordinance, introduced by Jon Camp, authorizing the issuance of not to exceed \$21,000,000 principal amount of General Obligation Refunding Bonds, Series 2011; prescribing the form of the Bonds; fixing in part and providing for the fixing in part of the terms of the Bonds; providing for the levy and collection of an annual tax to pay the principal of and interest on such bonds; authorizing certain other documents and actions in connection therewith; and related matters, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19527**, is recorded in Ordinance Book #27, Page .

APPROVING AN AMENDMENT TO THE LIMITS OF PAVING DISTRICT NO. 2630 TO INCLUDE ADDITIONAL BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, amending the limits of Paving District No. 2630 created by Ordinance No. 19357 to include additional benefitted property relating to additional storm sewer construction as a part of Paving District No. 2630, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

The ordinance, being numbered **#19528**, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE

John Austin, 826 S. 14th Street, came forward to make comments about the cleanup of the Fire on O Street. He feels the ambulance service should be privatized since the Fire Department cannot transport anyone out of town. He wanted to know who was responsible for the trees that hang over sidewalks, the City of Lincoln or the property owner? How far does the City have jurisdiction outside the City limits? Is it beyond the three miles?

This matter was taken under advisement.

Tim Perry, 1533 Morton Ct., stated he lives in the North Hills Subdivision. He questioned the proposed roundabout at 14th and Superior. A petition is being circulated in his neighborhood whether for or against. Is there going to be a tunnel from Goodrich underneath these roads and who is supervising this? He would concede a roundabout if a bike trail was put over the top to make it safer for the students, but the tunnel is unsupervised. Is 14th Street going to be four lane all the way north to I-80 to the new school? There are a lot of accidents on Indigo, Morton, and Fletcher Streets already.

This matter was taken under advisement.

REGULAR MEETING

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Kolleen Krikac, 1870 Morton Ct., came forward as part of the North Hills Homeowners stating she had started taking a petition around the neighborhood and of the 56 signatures received there were two in favor of the roundabout.

This matter was taken under advisement.

Terry Pope Gonzalez, 349 1st Street, came forward to thank Councilman Cook for apologizing for having not returned her phone calls. She made a presentation in reference to the quality of life in their neighborhood which is on file in the City Clerk's office.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 2, 2011.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on May 2, 2011.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

ADJOURNMENT 7:07 P.M.

CAMP Moved to adjourn the City Council meeting of April 25, 2011.

Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant